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NEW JERSEY
AGRICULTURAL EXPERIMENT STATIONS
CIRCULAR 110

STATE LAWS CONCERNING MOSQUITO CONTROL
WORK IN NEW JERSEY¹

Chapter 104, Laws of 1912

As Amended by Chapter 123, Laws of 1919

AN ACT for the establishment of County Mosquito Extermination Commissions and to define their powers and duties.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. In any county of this State it shall be the duty of the justice of the Supreme Court presiding over the courts of said county to appoint six persons, three of whom must be persons who are or have been, members or employes of boards of health, a board of commissioners to be known as "The

Judge of
supreme
court to
appoint
commission.

County Mosquito Extermination Commission," inserting the name of the county in and for which the commissioners are appointed. The commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two and three years, as indicated and fixed in the order of appointment, and all such commissioners after the first appointment shall be so appointed for the full term of three years; vacancies in the said commission occurring by resignation or otherwise shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such commission and their successors are hereby created a body politic, with power to sue and be sued, to use a common seal and make by-laws; the members of any such commission shall serve without compensation, except that the necessary expenses of each com-

Official
name.

Terms.

Vacancies.

Expenses
paid.

¹ Published July 10, 1919

- Oath. commissioner for actual attendance on meetings of said commission shall be allowed and paid. No persons employed by the said commission shall be a member thereof; before entering upon the duties of his office, each commissioner shall take and subscribe an oath or affirmation before the clerk of the county in and for which he is appointed, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed with the clerk of the county wherein the commission of which he is a member is appointed; every such commission shall annually choose from among its members a president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purposes of this act; it may also determine the duties and compensation of such employees, and make all rules and regulations respecting the same. It shall be the duty of the board of chosen freeholders in each county to provide such commission with a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the commission may determine.
- Organization.
- Office.
- Duty of director of experiment station.
2. The director of the State Experiment Station shall be a member ex officio of each commission, and shall cooperate with them for the effective carrying out of their plans and work. The said director shall serve without compensation, except that the necessary expenses actually incurred by him in the attendance on meetings of said commissions shall be allowed and paid. He shall furnish the said commissioners with such surveys, maps, information and advice as they may require for the prosecution of their work, or, as in his opinion, will be of advantage in connection therewith.
- Powers.
3. Every such commission shall have the power to eliminate all breeding places of mosquitoes within the county wherein it is appointed, and to do and perform all acts and to carry out all plans which in their opinion and judgment may be necessary or proper for the elimination of breeding places of mosquitoes, or which will tend to exterminate mosquitoes within said county.
- Annual estimate.
4. Said commission shall, on or before the first day of November in each year, file with the director of the State Experiment Station, a detailed estimate of the moneys required for the ensuing year, and a plan of the work to be done and the methods to be employed. The said director shall have the power to approve, modify or alter the said estimates, plans and methods, and the estimate, plan and method finally approved by him shall be by him forwarded to the board of chosen freeholders in each county on or before the first day of December following its receipt.

Circular/

MOSQUITO CONTROL LAWS OF NEW JERSEY

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5. It shall be the duty of the board of chosen freeholders of each county, or other body having control of the finances thereof, to include the amount of money approved by the director of the State Experiment Station, annually in the tax levy; *provided, however*, that in no year shall the amount so raised exceed the amount hereinafter specified, to-wit: in counties where the assessed valuations are not more than twenty-five million dollars, a sum not greater than one mill on every dollar of assessed valuations; in counties where the assessed valuations are not more than fifty million dollars, a sum not more than one-half of one mill on every dollar of assessed valuations; in counties in which the assessed valuations are in excess of fifty million dollars a sum not more than one-quarter of one mill on every dollar of assessed valuations.

Appropriation.

Proviso;
amount
raised
annually.

6. The moneys so raised, or so much thereof as may be required, shall be paid from time to time to the said mosquito commission on the requisition of said commission, duly signed and approved by the president and secretary thereof.

Payments.

7. It shall be the duty of each commission annually, on or before the first day of November in each year, to submit to the director of the State Experiment Station and to the board of chosen freeholders in their respective counties, a report setting forth the amount of moneys expended during the previous year, the methods employed, the work accomplished, and any other information which in their judgment may seem pertinent.

Annual
report.

8. Nothing in this act shall be construed to alter, amend, modify or repeal the provisions of chapter 134 of the laws of 1906, or alter, amend, modify or repeal any act now existing, conferring upon state or local boards of health any powers or duties in connection with the extermination of mosquitoes in said state, but shall be construed to be supplementary thereto.

Act
considered
supplementary.

9. This act shall take effect immediately.

Approved March 21, 1912.

Amendment approved April 11, 1919, and shall take effect July 1, 1919.

Extract from Chapter 288, Laws of 1915

Concerning the State Department of Health

4 (k). He (the Director of Health of the State of New Jersey) shall be a member ex officio of each county mosquito extermination commission, and shall cooperate with them for the effective carrying out of their plans and work.

Director
of Health
Member of
Commissions.

Chapter 134, Laws of 1906

Survey of
salt marsh
areas.

AN ACT to provide for locating and abolishing mosquito-breeding salt-marsh areas within the state, for assistance in dealing with certain inland breeding places, and appropriating money to carry its provisions into effect.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Indicate
breeding
spots
on map.

1. It shall be the duty of the director of the State Experiment Station, by himself or through an executive officer to be appointed by him to carry out the provisions of this act, to survey or cause to be surveyed, all the salt-marsh areas within the state, in such order as he may deem desirable, and to such extent as he may deem necessary, and he shall prepare or cause to be prepared a map of each section so surveyed, and shall indicate all the mosquito-breeding places found on every such area, together with a memorandum of the method to be adopted in dealing with such mosquito-breeding places, and the probable cost of abolishing the same.

Survey of
fresh water
swamps.

Map to show
breeding spots.

2. It shall be the further duty of said director, in the manner above described, to survey, at the request of the board of health of any city, town, township, borough or village within the state, to such extent as may be necessary, any fresh-water swamp or other territory suspected of breeding malarial or other mosquitoes, within the jurisdiction of such board, and he shall prepare a map of such suspected area, locating upon it such mosquito-breeding places as may be discovered, and shall report upon the same as hereinafter provided in section eight of this act. Requests as hereinbefore provided for in this section may be made by any board of health within the state, upon its own motion, and must be made upon the petition, in writing, of ten or more freeholders residing within the jurisdiction of any such board.

Municipalities
informed of
mosquito
breeding
places.

3. Whenever, in the course of a survey made as prescribed in section one of this act, it is found that within the limits of any city, town, township, borough or village there exists points or places where salt-marsh mosquitoes breed, it shall be the duty of the director aforesaid, through his executive office, to notify, in writing, by personal service upon some officer or member thereof, the board of health within whose jurisdiction such breeding points or places occur, of the extent and location of such breeding places, and such notice shall be accompanied by a copy of the map prepared as prescribed in section one, and of the memorandum stating the character of the work to be done and its probable cost, also therein provided for. It shall thereupon become the duty of the said board, within twenty days from the time at which notice is served as aforesaid, to investigate the ownership, so far as

Owners
notified.

ascertainable, of the territory on which the breeding places occur, and to notify the owner or owners of such lands, if they can be found or ascertained, in such manner as other notices of such boards are served, of the facts set out in the communication from the director, and of the further fact that, under chapter sixty-eight of the laws of one thousand, eight hundred and eighty-seven, as amended in chapter one hundred and nineteen of the laws of one thousand, nine hundred and four, any water in which mosquito larvæ breed is a nuisance and subject to abatement as such. Said notice shall further contain an order that the nuisance, consisting of mosquito-breeding pools, be abated within a period to be stated, and which shall not be more than sixty days from the date of said notice, failing which the board would proceed to abate, in accordance with the act and its amendments above cited.

Notice to
abate
nuisance.

4. In case any owner of salt-marsh lands on which mosquito-breeding places occur and upon whom notice has been served as above set out, fails or neglects to comply with the order of the board within the time limited therein, it shall be the duty of said board to proceed to abate, under the powers given in section thirteen and fourteen of the act and its amendments cited in the preceding section, or in case this is deemed inexpedient, it shall certify to the common council or other governing body of the city, town, township, borough or village, the facts that such an order has been made and that it has not been complied with, and it shall request such council or other governing body to provide the money necessary to enable the board to abate such nuisance in the manner provided by law. It shall thereupon become the duty of such governing body to act upon such certificate at its next meeting and to consider the appropriation of the money necessary to abate the nuisance so certified. If it be decided that the municipality has no money available for such purpose, such decision shall be transmitted to the board of health making the certificate, which said board shall thereupon communicate such decision forthwith to the director of the Agricultural Experiment Station, or his executive officer.

If owner
fails to
comply, board
of health
to act.

As to
funds.

5. If, in the judgment of the director aforesaid, public interests will be served thereby, he may set aside out of the moneys appropriated by this act such an amount as may be necessary to abate the nuisance found existing, and to abolish the mosquito-breeding places found in the municipality which has declared itself without funds available, as prescribed in the preceding section. Notice that such amount has been set aside as above described shall be given to the board of health within whose jurisdiction such mosquito-breeding places are situated, and said board shall thereupon appoint some person designated by said director or his executive officer, a special

Certain
amount may
be set aside
for abating
breeding spots.

Special
inspector.

inspector of said board for the sole purpose of acting in its behalf in abating the nuisance found to be existing, and all acts and work done to abate such nuisances and to abolish such breeding places shall be done in the name of, and on behalf of, such board of health.

Municipalities
may assist
in abating
breeding spots.

6. If in the proceeding taken under section four of this act the common council or other governing body of any municipality appropriate to the extent of fifty per centum or more of the money required to abate the nuisance and to abolish the mosquito-breeding places within its jurisdiction, it shall become the duty of said director of the Agricultural Experiment Station to set aside out of the moneys herein appropriated such sum as may be necessary to complete the work, and in all cases preference shall be given, in the assignment of moneys herein appropriated, to those municipalities that contribute to the work and in the order of the percentage which they contribute; those contributing the highest percentage to be in all cases preferred in order.

Preference.

How work
is to be
done.

7. In all cases where a municipality contributes fifty per centum or more of the estimated cost of abolishing the breeding places for salt-marsh mosquitoes within its jurisdiction, the work may be done by the municipality as other work is done under its direction, and the amount set aside as provided in section six may be paid to the treasurer or other disbursing officer of such municipality for use in completing the work; but no payment shall be made to such treasurer or other disbursing officer until the amount appropriated by the municipality has been actually expended, nor until a certificate has been filed by the director or his executive officer stating that the work already done is satisfactory and sufficient to obtain the desired result, and that arrangements made for its completion are proper and can be carried out for the sum awarded.

Payments.

Species of
mosquitoes
shown.

8. In all investigations made under section two of this act the report to be made to the board of health requesting the survey shall state what mosquitoes were found in the territory complained of, whether they are local breeders or migrants from other points, and, in the case of migrants, their probable source, whether the territory in question is dangerous or a nuisance because of mosquito breeding, the character of the work necessary to abate such nuisance and abolish the breeding places, and the probable cost of the work. Said board of health must then proceed to abolish the breeding places found under the general powers of such boards, but if it shall appear that the necessary cost of the work shall equal or exceed the value of the land without increasing its taxable value, such board may apply to the director aforesaid, who may, if he deems the matter of sufficient public interest, contribute to the cost of the necessary work, provided that not more than fifty

Local boards
may be
assisted by
State.

per centum of the amount shall be contributed in any case, and not more than five hundred dollars in any one municipality.

9. All moneys contributed or set aside out of the amount appropriated in this act by the director of the Agricultural Experiment Station in accordance with its provisions shall be paid out by the Comptroller of the State upon the certificates of said director that all the conditions and requirements of this act have been complied with, and in the case provided for in section five, payments shall be made to the contractor upon a statement by the person in charge of the work, as therein prescribed, attested by said director, showing the amount due and that the work has been completed in accordance with the specifications of his contract.

Payments,
how made.

10. For the purpose of carrying into effect the provisions of this act, the said director of the State Agricultural Experiment Station shall have power to expend such amount of money, annually, as may be appropriated by the Legislature; provided, that the aggregate sum appropriated for the purposes of this act shall not exceed three hundred and fifty thousand dollars. The Comptroller of the State shall draw his warrant in payment of all bills approved by the director of the State Experiment Station, and the Treasurer of the State shall pay all warrants so drawn to the extent of the amount appropriated by the Legislature.

Appropriation.

Proviso.

11. This act shall take effect November first, one thousand, nine hundred and six.

Act
effective.

Approved April 20, 1906.

Chapter 119, Laws of 1904

Concerning the Powers and Duties of Local Boards of Health

AN ACT to amend an act entitled "An act to establish in this State boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Sections thirteen and fourteen of the act entitled "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven, be and the same are hereby amended to read as follows:

13. Said local boards shall, within their respective jurisdictions, examine into all nuisances, foul or noxious odors, gases or vapors, *water in which mosquito larvæ breed*, and all causes of disease which may be known to them or brought

Local boards
of health
have power
to abate
mosquito-
breeding
places.

On public
property.

to their attention which, in their opinion, are injurious to the health of the inhabitants therein, and shall cause the same to be removed and abated; whenever such nuisance, noxious odors, gases or vapors, *water in which mosquito larvæ breed*, or cause of ill health or disease shall be found on public property or on a highway, notice shall be officially given by the said board to the person in charge thereof officially, and such persons shall be notified to remove and abate the same; and if there be failure or neglect to comply with such notice, the mode of procedure shall be the same as is hereinafter provided in case of private individuals.

Notice to
owner of
private
property.

14. Where such nuisances, noxious gases or vapors, *water in which mosquito larvæ breed*, or cause of ill health or disease shall be found on private property, the said board shall cause notice thereof to be given to the owner or owners to remove and abate the same at his own expense, within such time as the said board may deem proper; a duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the owner resides out of the State or cannot be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the local board of health within the time specified, the board shall proceed to abate such nuisance and remove the cause of such foul and noxious odors, gases or vapors, *water in which mosquito larvæ breed*, or other things detrimental to the public health, and such board shall have a right to recover by action of debt the expenses incurred by such board in the abatement or removal, from any person or persons who shall have caused or allowed such nuisance, source or foulness, *water in which mosquito larvæ breed*, or cause of sickness, hazardous to the public health, and from any owner, tenant or occupant of the premises who, after notice as aforesaid, shall have failed to remove such nuisance, source of foulness, *water in which mosquito larvæ breed*, or cause of sickness, hazardous to the public health, within the time specified in such notice; and in case such board of health shall fail to recover by such action an amount sufficient to defray such expenses, or if it shall be deemed expedient to bring such suit, they may present a bill, certified by such board, or a majority thereof, to the local municipal authorities, and such bill shall be audited and paid by the city, borough, town, township or other local municipal government in and for which such board is organized, in the same manner as the bills for the ordinary current expenses for such municipality are paid.

Owner to
bear expense
of removal
of nuisance.

2. This act shall take effect immediately.

Approved March 28, 1904.

Station

SMITHSONIAN INSTITUTION LIBRARIES



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